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STATE ELECTION COMMISSION HARYANA

NIRVACHAN SADAN, PLOT NO.2, SECTOR 17, PANCHKULA

Order

The 17th November, 2016

No.SEC/3ME/2016/3405.— The General Election of Municipal Committee Farukhnagar was held on 02.06.2013 and the result of the elected candidates was declared on the same day.

2. Section 13E of the Haryana Municipal Act, 1973, provides that every candidate at an election shall, either himself or by his election agent, keep a separate and correct account of all expenditure in connection with the election incurred or authorized by him or by his election agent from the date of filing of nomination papers to the date of declaration of the result thereof, both dates inclusive. The account shall contain such particulars, as may be notified by the State Election Commission in this behalf. The total of the said expenditure shall not exceed such amount as may be notified by the State Election Commission from time to time.

3. Section 13D of the Haryana Municipal Act, 1973 read with Section 10 A of the Representation of People Act, 1951 further provides that if the Election Commission is satisfied that a person –

- (a) has failed to lodge an account of election expenses, within the time and in the manner required by or under this Act, and
- (b) has no good reason or justification for the failure

the Election Commission shall, by order published in the Official Gazettee, declare him to be disqualified and any such person shall be disqualified for a period of three years from the date of the order.

4. In pursuance of the above provisions, the State Election Commission, Haryana *vide* its Notification No. SEC/3ME/2011/2813, dated 05.09.2011 in exercise of powers vested under clause (i) Article 243 ZA of the Constitution of India, sub-section 3 of Section 13E of the Haryana Municipal Act, 1973 had prescribed the limit of expenditure of Rs. 50,000/- that may be incurred by the contesting candidate or his authorized agent in connection with election of Municipal Committee, Farukhnagar and account of election expenses shall required to be filed/lodged with the Deputy Commissioner or any other officer prescribed by the Commission within 30 days from the date of declaration of the result of election.

5. As reported by the Deputy Commissioner, Gurgaon, the following candidates had contested the election of Municipal Committee Farukhnagar but failed to submit their election expenditure account within the prescribed time or thereafter :-

Sr. No.	Name of Candidate	Ward No.
1.	Smt. Kanta	1
2.	Smt. Ramrati	1
3.	Sh. Dharam Chand	2
4.	Sh. Vishnu Bhagwan	2
5.	Sh. Hoshiyar	4
6.	Smt. Mamta	10
7.	Smt. Sunita	10
8.	Smt. Rinki	10

6. The Commission had served a show cause notice upon them to explain as to why they should not be disqualified on account of non submission of election expenditure account within the period. They neither submitted their election expenditure statement nor responded to the show cause notice. I, had given them personal hearing on 07.11.2016 in the court room of Deputy Commissioner, Gurgaon. Sh. Sanjay Kumar, Secretary, Municipal Committee Farukhnagar represented the Deputy Commissioner, Gurgaon.

7. The above mentioned contesting candidates did neither appeared before me nor filed any reply/submission despite the notice served upon them through letter dated 27.10.2016 by the Secretary, Municipal Committee, Farukhnagar. Therefore, it can be concluded that they have nothing to say in the matter. Hence, the above noted candidates deserve to be disqualified. I, Dr. Dalip Singh, State Election Commissioner, Haryana, in exercise of powers vested under clause (i) Article 243 ZA of the Constitution of India and section 13D of the Haryana Municipal Act, 1973 read with Section 10 A of the Representation of People Act, and all other powers enabling it in this behalf hereby order that the above mentioned candidates be disqualified for being chosen as, and for being a member of Municipality for a period of three years from the date of this order.

8. The office is directed to send a copy of this order to the candidate concerned through Deputy Commissioner, Gurgaon immediately.

Panchkula:
The 7th November, 2016.

DR. DALIP SINGH,
State Election Commissioner, Haryana.